

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JOHN BAXLEY, JR., et al.,
on behalf of a class of similarly
situated individuals,**

Plaintiffs,

v.

**Civil Action No. 3:18-cv-01526
Honorable Robert C. Chambers**

**BETSY JIVIDEN, in her official
capacity,**

Defendant.

JOINT MOTION FOR APPROVAL OF ATTORNEY FEES

Pursuant to Rule 23(h) and Rule 54(d)(2) of the Federal Rules of Civil Procedure, the parties hereby jointly move the Court to approve the agreed-to attorney fees as set forth in the contemporaneously filed motion for approval of class action settlement.

As set forth therein, after nearly four years of highly contested litigation and on the eve of trial, the parties reached an agreement to resolve this statewide class action and avoid the ongoing costs and uncertainty of trial and appeals. As part of the agreement, Defendant agreed to remit payment of \$588,000.00 to class counsel to compensate class counsel, in part, for their work on this case, as authorized by 42 U.S.C. § 1988. This amount is eminently reasonable. While the dollar figure is substantial, it is hundreds of thousands of dollars less than Plaintiffs actually incurred over the course of nearly four years of litigation; indeed, Plaintiffs' counsel paid out nearly \$100,000.00 in out-of-pocket expenses alone over the course of that time. Plaintiffs' primary current counsel have previously submitted to the Court declarations and arguments setting forth their hourly rates, experience, and qualifications, as well as a supporting declaration establishing that their rates are reasonable. [See Dkts. 633, 633-2, 637, 637-1, 637-2.]

As set forth in the contemporaneously filed motion for approval of class settlement and attached Exhibit B, class members will receive notice of this motion for attorney fees.

WHEREFORE, the parties respectfully request that the Court grant the parties' Rule 23(h) motion for an award of attorney fees and costs to Mountain State Justice of \$588,000.00.

Respectfully submitted:

/s/ William E. Murray

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